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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,565	06/28/2001	Tomoko Terakado	450100-03299	5357
20999	7590	04/20/2006	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			PARRY, CHRISTOPHER L	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 04/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/894,565	TERAKADO ET AL.
	Examiner Chris Parry	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 23 January 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-6,8-19 and 21-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6,8-19 and 21-29 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1 and 15 have been considered but are moot in view of the new ground(s) of rejection.
2. The examiner notes the features of the Official Notice are taken to be admitted prior art because the applicant failed to traverse the examiner's assertion of Official Notice for Claims 11 and 23.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-6, 8-13, 15-19, 21-24, and 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koninklijke Philips Electronics "Philips" (WO 00/28436) in view of Van Ee et al. "Van Ee" (U.S. 6,848,104) and further in view of Shen et al. "Shen" (U.S. 6,401,059).

Regards to Claim 1, Philips teaches, "a control apparatus comprising, at least, a display screen... said control apparatus operating a predetermined electronic

apparatus" by disclosing the use of a programmable universal remote controller 322, which comprises a high resolution LCD screen (page 9, lines 14-16). Further disclosed in figure 3, is universal programmable remote controller 322 is used to control TV 308, VCR 310, or DVD 324 attached to home network 316.

Philips teaches "a first server for communicating with said control apparatus, said first server being connected or linked to a plurality of electronic apparatuses" by disclosing the use of PC 320 or "first server" which is shown connected to a plurality of electronic apparatuses on home network 316 in figure 3.

Philips teaches "a second server for establishing a connection with said first server by a network" by disclosing server 126 or "second server" in figure 3.

Philips fails to disclose whether the universal programmable remote controller device 322 has a display screen that can also be used as a touch panel. In an analogous art, Van Ee discloses implementing mechanisms can be portable, semi-portable or of a fixed location, moreover implementing mechanisms can be realized as a remote control (Col. 7, lines 62-65). Further, implementing mechanism 100 comprises input facilities 106 which may be combined with screen 108 in such a way that user selections can be activated by touching the screen 108 (e.g., a touch-sensitive LCD) (Col. 21, lines 14-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Philips with the teachings of Van Ee in order to implement a remote control with a display screen that can be used as a

touch panel for the benefit of providing the user with the option of selecting personalized icons presented on display with a simple touch to the screen.

However, the combination of Philips and Van Ee fail to disclose wherein said control apparatus changes settings of at least one of GUI data, internal processing data, and display data, which are contained in said control apparatus, based on at least one of GUI data, internal processing data, and display data, which are stored or designated as Extensible Markup Language (XML) meta-data by said first server; and wherein communication data communicated among said control apparatus, said first server, and said second server comprises meta-data encoded in the Extensible Markup Language (XML). In an analogous art, Shen discloses wherein said control apparatus (210 – figure 2) changes settings of at least one of GUI data, internal processing data, and display data, which are contained in said control apparatus, based on at least one of GUI data, internal processing data, and display data, which are stored or designated as Extensible Markup Language (XML) meta-data by said first server (202 – figure 2) (Col. 3, line 52 – Col. 4, line 13).

Shen further discloses, wherein communication data (XML device/TV program information – figure 2) communicated among said control apparatus (210 – figure2), said first server (202 – figure 2), and said second server (230 – figure 2) comprises meta-data encoded in the Extensible Markup Language (XML) (Col. 3, line 52 – Col. 4, line 13). Shen discloses PDA 210 or “control apparatus” can provide conventional remote control functions for a TV and VCR (Col. 3, lines 27-29 and 42-44). Shen further discloses desktop computer 202 or “first server” comprises a software program 204 and

a database 206 (Col. 2, lines 44-48) and is connected to web page device/TV program information or “second server (230, 208 – figure 2) to receive the control and GUI data for PDA 210 as shown in figure 2. Accordingly, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Philips and Van Ee with the teachings of Shen in order to facilitating communicating data among said control apparatus, said first server, and said second server comprises meta-data encoded in the Extensible Markup Language for the benefit of storing at least one of GUI data, internal processing data, or display data in a more database friendly format (Shen – Col. 2, lines 57-61).

As for Claim 2, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches, “control apparatus comprises a remote control” by disclosing in figure 3, remote control device 322 as the “control apparatus”.

As for Claim 3, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches, “wherein the network comprises the Internet” by disclosing in figure 3 the use of Internet 118 to connect PC 320 or “first server” to server 126 or “second server”.

As for Claim 4, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches “wherein the electronic apparatuses comprise home

appliances and audio-visual apparatuses" by disclosing in figure 3 TV 308, VCR 310, and DVD 324 are connected to PC 320 or "first server".

As for Claim 5, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches "wherein the display screen of said control apparatus comprises a liquid crystal display screen" by disclosing the use of programmable universal remote controller 322, which comprises a high resolution LCD screen (page 9, lines 14-16).

As for Claim 6, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches "wherein said first server receives information recorded by said second server through the network; and said first server transfers the received information to said control apparatus using wired or wireless communications" by disclosing in figure 3, PC 320 or "first server" receives information from server 126 or "second server" through home network 316 and PC 320 sends information to universal programmable remote controller 322 (page 11, line 31 – page 12, line 6). Philips further teaches the users universal programmable remote controller [322] is capable of communicating through two-way IR, RF, 1394, and USB (page 12, lines 21-22).

As for Claim 8, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches "wherein said first server includes control data for the electronic apparatuses and said control apparatus receives the control data for a

specific electronic apparatus from said first server and uses the data as the internal processing data" by disclosing PC 320 or "first server", monitors home network 316 and controls data of devices linked to home network 316. Universal programmable remote controller device 322, receives the control data for a specific electronic apparatus from PC 320, and universal programmable remote controller device 322 uses this data as the internal processing data (page 11, line 29 – page 12, line 13).

As for Claim 9, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches "wherein said first server downloads the control data from said second server" by disclosing figure 3, which shows server 126 connected via Internet 118 to PC 320. Server 126 determines which software components are necessary for end user's network 302 (page 10, lines 18-19 and page 12, lines 4-6).

As for Claim 10, the combination of Philips, Van Ee, and Shen disclose, in particular Van Ee teaches, universal programmable remote controller device 322 has the display means for combining the control data for the electronic apparatuses and displaying the combined data by disclosing in figure 3, screen 300 of implementing mechanisms 100 which, displays in lower area 302, grouped tasking objects 313/315 that corresponds to a respective environmental device, including a TV, a VCR, a DVD, and a CD (col. 22, lines 58-67). Further, macro objects 323 in lower area 302, if selected correspond to functions such as PLAY MOVIE, PLAY CD ROMANTIC, and DISHWASHER NORMAL macros (Col. 23, lines 13-34).

As for Claim 11, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches "wherein said control apparatus downloads data received from said first server to the electronic apparatuses which are connected or linked to said first server" by disclosing server 126 determines which hardware or software components (applications/services) can be used on the end-user's network 302 given the user's profile, his/her preferences, and the profile of home network 302. If it has been decided that there is a match between profiles 306 as stored in data base 122 and one or more of the information items stored in data base 124, the user gets notified, e.g., via the Internet, of the option to obtain the feature for being added to his/her equipment. If the user accepts the offer, the feature, e.g., a software application or a content data service, is pre-configured for the user's system 302. For example, the control codes for UI, the IR an/or RF control codes, the software components, static graphics, animations, etc., are packaged (page 10, lines 18-27).

However, the combination of Philips, Van Ee, and Shen fail to teach whether the user initiates the download via control apparatus e.g., remote control. The examiner gives Official Notice that it is notoriously well known in the art of home networks, particularly with respect to remote controls, to facilitate user interaction with a home network through the use of a remote control. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Philips, Van Ee, and Shen to facilitate approval or disapproval of software or control updates through the use of a remote control.

As for Claim 12, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches “wherein the data includes data downloaded from said second server” by disclosing figure 3 which, shows server 126 or “second server”, which contains the control codes for UI, the IR an/or RF control codes, the software components, static graphics, animations, etc., for electronic apparatuses connected to home network 316 via the Internet 118.

As for Claim 13, the combination of Philips, Van Ee, and Shen disclose, in particular Philips teaches “wherein the data includes an electronic program guide” by disclosing in figure 3 which, shows EPG 312 connected to TV 308, which is connected to PC 320 via home network 316. Feature server 126 stores all data and features related to appliances on home network 316, including EPG data. According to Philips, electronic program guide (EPG) 312 can be installed on user's home network (page 11, lines 2-3).

Regarding Claim 15, Philips teaches “a control apparatus comprising, at least, a display screen...said first control apparatus operating a predetermined electronic apparatus” by disclosing the use of a programmable universal remote controller 322, which comprises a high resolution LCD screen (page 9, lines 14-16). Further disclosed in figure 3, is universal programmable remote controller 322 is used to control TV 308, VCR 310, or DVD 324 attached to home network 316.

Philips teaches “a server for communicating with said control apparatus, said server being connected or linked to a plurality of electronic apparatuses” by disclosing the use of PC 320 or “first server” which is shown connected to home network 316 in figure 3.

Philips fails to teach whether universal programmable remote controller device 322 has a display screen that can also be used as a touch panel. In an analogous art, Van Ee discloses implementing mechanisms can be portable, semi-portable or of a fixed location, moreover implementing mechanisms can be realized for example as a remote control (Col. 7, lines 62-65). Further, implementing mechanism 100 comprises input facilities 106 which may be combined with screen 108 in such a way that user selections can be activated by touching the screen 108 (e.g., a touch-sensitive LCD) (Col. 21, lines 14-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Philips with the teachings of Van Ee in order to implement a remote control with a display screen that can be used as a touch panel for the benefit of providing the user with the option of selecting personalized icons presented on display with a simple touch to the screen.

The combination of Philips and Van Ee fail to explicitly disclose wherein said control apparatus changes settings of at least one of GUI data, internal processing data, and display data, which are contained in said control apparatus, based on at least one of GUI data, internal processing data, and display data, which are stored or designated as Extensible Markup Language (XML) meta-data by said server; and wherein

communication data communicated between said control apparatus and said server comprises meta-data encoded in the Extensible Markup Language (XML).

In an analogous art, Shen discloses wherein said control apparatus (210 – figure 2) changes settings of at least one of GUI data, internal processing data, and display data, which are contained in said control apparatus, based on at least one of GUI data, internal processing data, and display data, which are stored or designated as Extensible Markup Language (XML) meta-data by said server (202 – figure 2) (Col. 3, line 52 – Col. 4, line 13).

Shen further discloses, wherein communication data (XML device/TV program information – figure 2) communicated between said control apparatus (210 – figure 2) and said server (202 – figure 2) comprises meta-data encoded in the Extensible Markup Language (XML) (Col. 3, line 52 – Col. 4, line 13). Shen discloses PDA 210 or “control apparatus” can provide conventional remote control functions for a TV and VCR (Col. 3, lines 27-29 and 42-44). Shen further discloses desktop computer 202 or “server” comprises a software program 204 and a database 206 (Col. 2, lines 44-48) and receives control and GUI data for PDA 210 as shown in figure 2 from web page device/TV program information (230, 208 – figure 2). Accordingly, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Philips and Van Ee with the teachings of Shen in order to facilitating communicating data among said control apparatus, said first server, and said second server comprises meta-data encoded in the Extensible Markup Language for the benefit

of storing at least one of GUI data, internal processing data, or display data in a more database friendly format (Shen – Col. 2, lines 57-61).

Considering Claim 16, the claimed elements of wherein said control apparatus comprises a remote control, corresponds with subject matter mentioned above in the rejection of claim 2, and is likewise treated.

Considering Claim 17, the claimed elements of wherein the electronic apparatuses comprise home appliances and audio-visual apparatuses, corresponds with subject matter mentioned above in the rejection of claim 4, and is likewise treated.

Considering Claim 18, the claimed elements of wherein the display screen of said control apparatus comprises a liquid crystal display screen, corresponds with subject matter mentioned above in the rejection of claim 5, and is likewise treated.

Considering Claim 19, the claimed elements of wherein said control apparatus transfers the information contained therein to said server using wired or wireless communications, corresponds with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

Considering Claim 21, the claimed elements of wherein said server includes control data for the electronic apparatuses and said control apparatus receives the

control data for a specific electronic apparatus from said server and uses the data as the internal processing data, corresponds with subject matter mentioned above in the rejection of claim 8, and is likewise treated.

Considering Claim 22, the claimed elements of wherein said control apparatus further comprises display means for combining the control data for the electronic apparatuses and displaying the combined data, corresponds with subject matter mentioned above in the rejection of claim 10, and is likewise treated.

Considering Claim 23, the claimed elements of wherein said control apparatus downloads data received from said server to the electronic apparatuses which are connected or linked to said server, corresponds with subject matter mentioned above in the rejection of claim 11, and is likewise treated.

Considering Claim 24, the claimed elements of wherein the data includes an electronic program guide, corresponds with subject matter mentioned above in the rejection of claim 13, and is likewise treated.

As for Claim 28, the combination of Philips, Van Ee, and Shen disclose, in particular Shen teaches wherein said control apparatus (210 – figure 2) is operative to download data from said second server (208, 230 – figure 2) so that new touch panel information for a new electronic apparatus is appended to the touch panel (Col. 3, line

52 – Col. 4, line 13). Shen discloses PDA 210 receives control and program information from web page device/TV program information servers via desktop computer 202 as shown in figure 2A. Further, whenever a user adds a new TV or VCR to the home, the user must download new control data in order to control each new appliance. Shen further discloses PDA 210 has a touch screen by teaching a user can select to watch a program by selecting the program through the GUI of the PDA 210 (Col. 3, lines 19-24).

Considering Claim 29, the claimed elements of wherein said control apparatus is operative to download data from said second server so that new touch panel information for a new electronic apparatus is appended to the touch panel, corresponds with subject matter mentioned above in the rejection of claim 28, and is likewise treated.

5. Claims 14 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philips in view of Van Ee as applied to claims 1 and 15 above, and further in view of Hayes et al. "Hayes" (U.S. 6,781,518).

As for Claims 14 and 25, Philips as modified discloses PC 320 is linked to electronic apparatuses DVD 324, TV 308, and VCR 310 to form home network 316. Philips fails to disclose specifically using IEEE 1394 connection between PC 320 and the electronic apparatuses on home network 316. In an analogous art, Hayes teaches the use of IEEE 1394 connection to connect entertainment equipment in figure 1A. Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the combination of Philips and Van Ee with the teachings of Hayes in order to facilitate connecting the server to the electronic apparatuses on the home network using the IEEE 1394 standard connection. One would have been motivated to make this modification because the IEEE 1394 bus is commonly used to allow electronic appliances to communicate over a home network as determined by the HAVi standard (Hayes – Col. 3, lines 4-11).

3. Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philips in view of Van Ee in view of Shen as applied to claims 1 and 15 above, and further in view of Baker et al. "Baker" (U.S. 6,597,374).

As for Claim 26, the combination of Philips, Van Ee, and Shen fail to explicitly disclose wherein said control apparatus is operative to display, on said display screen, a plurality of index sections each display a name of a respective one of the electronic apparatuses, and is responsive to the index section correspond to an particular one of the electronic apparatuses being touched to display a corresponding one of a plurality of operation panels having operation buttons for operating that particular electronic apparatus.

In an analogous art, Baker discloses wherein said control apparatus (10 – figure 1) is operative to display (16 – figure 1), on said display screen, a plurality of index sections each display a name of a respective one of the electronic apparatuses, and is responsive to the index section correspond to an particular one of the electronic

apparatuses being touched to display a corresponding one of a plurality of operation panels having operation buttons for operating that particular electronic apparatus (Col. 6, lines 32-39 and Col. 8, lines 7-25).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Philips, Van Ee, and Shen with the teachings of Baker in order to facilitate a user to select an electronic apparatus using the touch screen of the control apparatus for the benefit of providing an easy to use universal remote control that a user can operate without the need for a multitude of buttons for each device (Baker - Col. 2, lines 16-21)

Considering Claim 27, the claimed elements wherein said control apparatus is operative to display, on said display screen, a plurality of index sections each display a name of a respective one of the electronic apparatuses, and is responsive to the index section correspond to an particular one of the electronic apparatuses being touched to display a corresponding one of a plurality of operation panels having operation buttons for operating that particular electronic apparatus, corresponds with subject matter mentioned above in the rejection of claim 26, and is likewise treated.

***Note to Applicant***

4. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM EST to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CLR  
April 14, 2006



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